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DOCKET NO.: C1039.70075US00

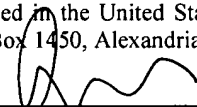
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No: 10/613,916  
Confirmation. No.: 8629  
Filed: July 3, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

Examiner: unknown  
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 4th day of May, 2005.

  
Alan W. Steele, M.D., Ph.D., Reg. No. 45,128

Mail Stop PG Pub  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- ☒ Request for Corrected Patent Application Publication Under 37 C.F.R. § 1.221(b)
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

No check is enclosed. If a fee is determined to be due, the amount of the fee may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Krieg et al., Applicant*

By: 

Alan W. Steele, M.D., Ph.D., Reg. No.: 45,128  
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Docket No. C1039.70075US00  
Date: May 4, 2005  
x05/31/05x

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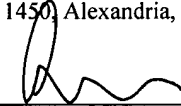
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**REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION**  
**UNDER 37 C.F.R. § 1.221(b)**

Sir:

Applicant hereby respectfully requests correction of the patent application publication (US 2005/0070491 A1) in the above-identified patent application in order to correct material errors which should have been apparent from Office records. This request is made within two months of the publication date, March 31, 2005, and is thus timely filed.

Applicant requests that the published application be corrected to reflect amendments in the second Preliminary Amendment received at the Patent Office June 25, 2004.

More specifically, Applicant requests that the application be republished to recite all claims (numbered 19-112) as amended in the second Preliminary Amendment received at the Patent Office June 25, 2004. The application as published does not recite, contrary to 37 C.F.R. § 1.215(a), claims that were canceled and/or amended by papers filed well in advance of publication, i.e., second Preliminary

Amendment received June 25, 2004, and first Preliminary Amendment filed with the application on July 3, 2003.


The failure to recite amended claims 19, 26-29, 31, 37-44, 46-48, 50, 57-60, 68, 71-74, 81, 90, 97, and 106 as amended in second Preliminary Amendment received June 25, 2004, is a material error at least because it affects the scope of the provisional rights that the Applicant may seek to enforce upon issuance of a patent. For example, claims 31, 38-44, and 46-48 were amended at least in part to correct their dependencies.

In addition, Applicant requests correction of the filing date of the co-pending parent U.S. Patent Application Serial No.: 09/818,918, in paragraph [0001] of the published application, in accord with the second Preliminary Amendment received June 25, 2004, and the Related U.S. Application Data noted on page 1 of the published application.

### CONCLUSION

Applicant believes the errors are material, requests republication of the patent application publication by the United States Patent and Trademark Office to correct such errors, and believes no fee should be due.

Respectfully submitted,  
*Krieg et al., Applicant*

By:   
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